

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	
	:	
v.	:	
	:	
SAFEHOUSE, a Pennsylvania nonprofit	:	
Corporation; JOSE BENITEZ, as President	:	
and Treasurer of Safehouse,	:	
Defendants.	:	

SAFEHOUSE, a Pennsylvania nonprofit	:	
Corporation,	:	
Counterclaim Plaintiff,	:	
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	
Counterclaim Defendant,	:	
	:	
and	:	
	:	
U.S. DEPARTMENT OF JUSTICE;	:	
WILLIAM P. BARR, in his official capacity	:	
as Attorney General of the United States;	:	
and WILLIAM M. McSWAIN, in his official	:	
capacity as U.S. Attorney for the Eastern	:	
District of Pennsylvania,	:	
Third-Party Defendants.	:	

ORDER

For the reasons set forth in the accompanying Memorandum, and in this Court's previous memorandum opinion of October 2, 2019, upon consideration of Defendants' Motion for Final Declaratory Judgment (ECF 137), the Government's Motion for Summary Judgment and Opposition to Defendants' Motion for Declaratory Judgment (ECF 139), and Defendants' Memorandum of Law in Opposition to the Government's Cross-Motion for Partial Summary

Judgment (ECF 140), this 25th day of February, 2020, it is hereby **ORDERED** that Defendants' motion is **GRANTED** and the Government's motion is **DENIED**, as follows:

1. Defendants' Motion for Declaratory Judgment is GRANTED.
2. JUDGMENT is ENTERED in favor of Safehouse and Jose Benitez and against the United States of America, U.S. Department of Justice, United States Attorney General William P. Barr, and United States Attorney for the Eastern District of Pennsylvania William M. McSwain on all of Plaintiff's claims and on Count I of Safehouse's counterclaim.
3. Count II of Defendants' counterclaim is DISMISSED WITHOUT PREJUDICE as moot.
4. It is DECLARED that the establishment and operation of Defendants' overdose prevention services model, including supervised consumption in accordance with the parties' stipulated facts (ECF 137, Ex. A), does not violate 21 U.S.C. § 856(a).

/s/ Gerald Austin McHugh
Gerald Austin McHugh
United States District Judge